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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,907	06/25/2003	Norman C. Witbeck	CREC-2	4351

7590

04/21/2004

David A. Lundy
KRIEG DEVAULT LUNDY, LLP
825 Anthony Wayne Bldg.
203 E. Berry St.
Fort Wayne, IN 46802

EXAMINER

AVILA, STEPHEN P

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,907

Applicant(s)

WITBECK, NORMAN C.

Examiner

Stephen Avila

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-13, 15, 17, 19-21, 23-34, 36, 39, 40, 44-47, 49, 51 and 53 is/are rejected.
- 7) ☒ Claim(s) 5-7, 14, 16, 18, 22, 35, 37, 38, 41-43, 48, 50 and 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 102403.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8, 10, 12, 13, 15, 17, 23-24, 27-34, 36, 39, 40, 44-47, 49, 51, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miklos in view of Lehmann et al (cited by Applicant) and Rosenberg.

Miklos discloses the basic claimed structure including a raft 10 with a U shaped floating frame having an open end, a receiving area configured to receive a marine vessel (note Figure 1). Not disclosed by Miklos is a towed raft and a lifting spine with ribs. Rosenberg teaches a vessel with lifting spine (note Figure 3, the horizontal support between 14 and 16), ribs 14, a lifting cable 17, and a lifting cylinder 16.

Lehmann et al teach a towed raft 12 with towing cables 14, 15, 15a. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Miklos with a lifting spine, ribs, a lifting cable and a lifting cylinder as taught by Rosenberg for ease of handling. Additionally, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the raft of Miklos to be towed with cables as taught by Lehmann et al for ease of use in all conditions. Additionally, it would have been an obvious choice of engineering design to a person of ordinary skill in the art at the time the invention was made would have been to form the device of Miklos of the specific claimed specifications for improved ease of

use and utility as a person of ordinary skill in the art would find the optimization of the parameters a benefit.

3. Claims 9, 11 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miklos in view of Lehmann et al (cited by Applicant) and Rosenberg as applied to claim 8 above, and further in view of Otterness. Miklos does not disclose a battery operated manual or motorized winch with control. Otterness teaches a motorized battery operated manual or motorized winch with control (paragraph 0031). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Miklos with a battery operated manual or motorized winch with control as taught by Otterness for ease of use. Additionally, it would have been an obvious choice of engineering design to a person of ordinary skill in the art at the time the invention was made would have been to optimize the specific claimed specifications of the winch to improve ease of use and utility as a person of ordinary skill in the art would find the optimization of the parameters a benefit.

4. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miklos in view of Lehmann et al (cited by Applicant) and Rosenberg as applied to claim 8 above, and further in view of Sahr et al. Miklos does not disclose a fiberglass or aluminum hull. Sahr et al discloses a fiberglass and aluminum hulls (column 1, lines 16-21). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the hull of Miklos to be of fiberglass or aluminum as taught by Sahr et al for light weight, high strength and low cost.

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5. Claims 5-7, 14, 16, 18, 22, 35, 37, 38, 41-43, 48, 50 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Avila whose telephone number is 703-308-2578. The examiner can normally be reached on Monday to Thursday from 8 AM to 4 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen Avila
Primary Examiner
Art Unit 3617

Avila
4/6/04